



**DEFENSE LOGISTICS AGENCY**  
**DISTRIBUTION**  
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19 May 2016

MEMORANDUM FOR DEPUTY COMMANDER, DLA DISTRIBUTION

SUBJECT: Investigation Findings and Conclusions

1. FINDINGS: After investigating the allegations against (b) (6) (b) (6) it is my belief, based on the preponderance of the evidence that (b) (6) did engage in harassment and unprofessional conduct and did wrongfully divulge personal details of employees.
2. RECOMMENDATIONS: Not applicable.
3. BACKGROUND: Appointed as investigating officer on 15 April 2016 (Enclosure 1), I met with the GC on 18 April 2016 to obtain pertinent information regarding the appointment. Interviews with potential witness were primarily conducted during face-to-face interviews 26-28 April 2016. The initial allegations were provided by the GC in an e-mail from DHRS.
  - a. In Enclosure 2, an e-mail outlines the initial allegations by (b) (6) against (b) (6) (b) (6). The allegations included in this e-mail include bullying, intimidation, threatening and unprofessional conduct including references of a sexual nature.
  - b. Enclosure 3 sworn statement of (b) (6) provided information during an interview and subsequent sworn statement regarding multiple allegations of harassment and unprofessional conduct and the disclosure of personal information. (b) (6) (b) (6) alleged many incidents of harassment that could not be corroborated. (b) (6) provided a listing of issues along with (b) (6) statement also included at Enclosure 3. These incidents provided the names of other personnel that might have information related to this investigation and interviews were arranged with them.
  - c. Enclosure 4 the sworn statement of (b) (6) corroborates an incident noted by (b) (6) (b) (6) where (b) (6) had an exchange that included reference to female anatomy that would be inappropriate. (b) (6) also relates the disclosure of (b) (6) and the workplace environment that "is vary [sic] disrespectful and degrading."
  - d. Enclosure 5 the sworn statement of (b) (6) referred to the negative change in the workplace environment and that (b) (6) was upset by the disclosure that (b) (6) (b) (6). In some measure, (b) (6) perceptions appear to be influenced by information received by (b) (6) confirmed that (b) (6) had not heard (b) (6) have any discussions of a sexual nature.

- e. Enclosure 6 includes statements made by (b) (6) with regard to an incident referred to by (b) (6). In this case (b) (6) were discussing the plan to hold a drill in (b) (6) when (b) (6) became very demanding making (b) (6) uncomfortable. This incident did not rise to the level of harassment, but is one of the incidents cited by (b) (6).
- f. Enclosure 7 is the statement of (b) (6) who was present in (b) (6) office and overheard one incident where it was alleged that (b) (6) made comments of a sexual nature that occurred late in 2015. However, (b) (6) recollection of the incident varies from (b) (6). (b) (6) also provided information regarding an exchange with (b) (6) that became tense and (b) (6) felt was harassing.
- g. Enclosure 8 is the completed DLA Form 1622, Rights Warning Procedure and Waiver Certificate. (b) (6) was warned of (b) (6) rights and waived (b) (6) rights in order to provide a statement regarding the allegations.
- h. Enclosure 9 is (b) (6) sworn statement. (b) (6) details that (b) (6) provided the PIP to (b) (6) as an example for format and content and as a manager within the Division that (b) (6) would keep any information properly protected. In several cases (b) (6) indicates that it may be that some people, including (b) (6) are embellishing (b) (6) communications. (b) (6) does acknowledge that (b) (6) did share with an employee of Natick/TACOM, that (b) (6) had a (b) (6). (b) (6) believed that (b) (6) shared this information openly in the office and did not believe this was confidential information. (b) (6) also notified (b) (6) that (b) (6) shared this information and that (b) (6) might hear from that person. (b) (6) also addresses the incident about the drill to be held in (b) (6) and indicates that (b) (6) wanted the drill conducted so supervisors would know it was drill to maintain control. (b) (6) felt (b) (6) exercised proper supervisory control and the exchange was civil. (b) (6) points out in (b) (6) statement that (b) (6) has had challenges with moving to the area and (b) (6) has tried to resolve issues and assist as (b) (6) can. In many cases, (b) (6) has not expressed any discomfort with the discussion the two have had and (b) (6) has made comments of a sexual nature.
- i. (b) (6) (Enclosure 10). (b) (6) was present during two alleged incidents when discussions turned to a sexual nature. (b) (6) remembered the incidents, but did not recall hearing any offensive or inappropriate comments. Also, (b) (6) had not been subjected to any unwanted or offensive conduct by (b) (6). This information seems to conflict with what (b) (6) recollection and (b) (6).
- j. (b) (6) provided a statement as well (Enclosure 11). (b) (6) (b) (6) had not witnessed or experienced any unprofessional conduct by (b) (6) and indicates that some personnel misinterpret/misconstrue (b) (6).

#### 4. ISSUES AND ANALYSIS:



- a. With regard to engaging in harassment as defined in DLAI 1438.06, Workplace Harassment Prevention and Response Policy, (b) (6) has engaged in aggressive, menacing or offensive behavior that made person(s) feel vulnerable or upset. Specifically, the statements of (b) (6) indicate several incidents and that these incidents have created a hostile or intimidating environment in the workplace. Specifically, the incident cited by (b) (6) where (b) (6) pounded his fists and leaned toward (b) (6) is aggressive behavior.
- b. With regard to engaging in unprofessional conduct, including but not limited to discussions of a sexual nature, (b) (6) had engaged in one discussion that was construed as being of a sexual nature. Specifically, (b) (6) provided information that (b) (6) referenced the female anatomy and made a hand gesture that could be considered offensive. This is also an incident contributing to the environment referenced above. In another incident regarding a conversation in the front lobby area of (b) (6) there are conflicting accounts. While (b) (6) indicate that (b) (6) made a sexual comment, their statements are not in agreement on what was actually said. Also (b) (6) does not indicate anything sexual and (b) (6) (b) (6) statement indicates (b) (6) did not indicate anything of a sexual nature. It appears that those hearing the conversation may have drawn different conclusions based on what they think they heard.
- c. With regard to allegations that (b) (6) wrongfully divulged personal details of employees to other personnel who had no official need to know, (b) (6) while discussing personal details in two instances did wrongfully divulge information. In the first instance it was alleged that (b) (6) shared the details of a former employee (b) (6) (b) (6). While (b) (6) did share the contents of a performance improvement plan (PIP) with (b) (6) is a manager within the same Division and was given the information as an example for (b) (6) use. A review of the PIP by the investigator while on site did not indicate that any personally identifiable information other than the name is included in the file or on any of the documents. In a second instance, it was alleged that (b) (6) wrongfully divulged personal information regarding (b) (6) of an employee (b) (6). The DHRS provided guidance from a guide to EEO law and practice (Enclosure 12) that addresses (b) (6) (b) (6). While it does appear that (b) (6) shared with an employee of another agency that (b) (6) (b) (6) this information was non-specific and very general. Information about the (b) (6) was not collected by the agency through a (b) (6) but was offered by the employee. Subsequent inquiries from the other agency to (b) (6) were upsetting and once (b) (6) was made aware that the disclosure was not appreciated (b) (6) complied with holding the information confidential.

(b) (6)

5 Enclosures:

1. Appointment Memo

Investigating Officer

2. E-mail dtd 30 March, Sub. (b) (6) Investigation
3. Statement of (b) (6)
4. Statement of [REDACTED]
5. Statement of [REDACTED]
6. Statement of [REDACTED]
7. Statement of [REDACTED]
8. DLA Form 1622, Rights Warning Procedure and Waiver Certificate
9. Statement of (b) (6)
10. Statement of [REDACTED]
11. Statement of [REDACTED]
12. Excerpt from Guide to EEO law and practice